SCANNED

1

R. S. IX-5]

Previous references.

File No. 111—19

1919.

Serial Nos. 1—2

(E.A.C.)

Later references.

LR 321-19-10.
" 321-19(11-13)
LR 8-27— 164, 171, 177, 186, 188 & 190.

P 11(15)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for November 19 19.

SUBJECT.

Complaint against Mr H. Srinivasa Row, Assistant Magistrate of Kurnool.

Recorded internal orders.

W D 1250—GPB—30,000 - 28-1-19

D. Lakminarayana
18-12-19

2.

G. R. S. III—1] 191 9

GENERAL AND REVENUE SECRETARIAT.

(E&C)

NOTES.

File No. 111

FILE HEADING.

Complaint agt Amildar Sri N. Srinivasa Rao

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

870

NOTES—First Sheet.

T-o No 52.

EAC 111 2 3

Abstract of important matters in the newspapers received on 29th August 1919.

****

The Karnataka dated 27th August 1919 (page 3).

****

PRESTIGE IN EXCELSIS. Complains that the Amildar Magistrate of Kunigal ill-treats the Advocates that appear before his court and that Government are very slow to punish their officers for bad conduct.

Dewan's order.

"An extract may be sent to the Deputy Commissioner and the District Magistrate for a detailed report."

Intd. M. K.
3-9-1919.

" C o p y. "

Forwarded, with compliments, to the C h i ef Secretary to Government, for favour of necessary action.

By order,

3/9/19.
Assistant Secretary on Duty with the Dewan.

2. S-A.
1887/19 3 Draft letter is submitted.
5-9-1919
5-9-1919
To the Dy. Magte, Tumkur Dist.
No 6038/8.9.19
Calls for a detailed report in the matter.

G. R. S. III-2]

General and Revenue Secretariat.

E & C File No. 111 of 1918.

1
379

Serial No. 2

From the Dist Magte, Tanjore
No J.C. 178 dtd 20 & 24.9.19.

Reports that the allegation that the Amildar Magte of Kumgal (Rao M. Srinivasa Rao) M. heats the Advocate that appear before him is not borne out by facts. and adds that the cause of the Complainant seems to have had its origin in the Magte refusing to give adjournments to suit the convenience of pleaders.

and A

5. Submitted.

NK
29.9.1919

Please forward the newspaper
Also Cr. Pd. Code.

Rec
30/9

Resubmitted with the Karnataka of the 27th August and the Volume of Nellore Code containing the Criminal Procedure Code.

Not recd in D.O.

H
2/10/19.

Sub
Rec
NO

Chief Secy)

For perusal.

Dewan

CSY
2.10.19

25.11.19

DEWAN'S OFFICE.
Recd. on NOV 4 1919
Reg. No. 2908

NOTE—Contn. sheet.

WD A 1789—G(D) 66,000—20-3-19—9.

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT
(Σ A)
the 191 .

Date of issue 8-9-09

Signed by.. K. N. Rao

Section Σ A
File No. 111
Serial No.

No. 603
S. A. Σ. 111

To

The District Magistrate
Tumkur Dist

Sir,

I am directed to forward herewith a copy of the Article headed with the heading "Ours truly" in "Excelsis" published in the Karnataka of the 27th August 09 complaining that the

over.

6
1

the Assistant Magistrate of the Kunnyâl Taluk ill-treats the Advocates that appear before his court and to request him to be so good as to submit a detailed report on the matter

I have

List of enclosures.

Copied by

Examined by

WD 1744—GPB—80,000—19-3-19

No fc. 178/19-20

D.379

I

Office of the Deputy Commissioner,
Tumkur District,
Dated the 22nd. September 1919.
24th.

E.A.C.—111-A

From

Ananda Rao S. Sirsi, Esquire, B.A., LL.B.,

Deputy Commissioner, Tumkur District,

Tumkur.

To

C.S. Balasundram Iyer, Esquire, B.A.,

Chief Secretary to the Government of His Highness

the Maharaja of Mysore, Bangalore.

Sir,

With reference to your letter No. 603 E.A.C. 111 - - dated 5/8th. September 1919, enclosing copy of the Article published in the Karnataka of the 27th. August 1919, under the heading " Prestige in Excelsis " regarding the Amildar-Magistrate of Kunigal and calling for a detailed report in the matter, I have the honour to state as follows:-

2. It is about the middle of March 1919, Mr. H. Srinivasa Rao, the present Amildar and 2nd. Class Magistrate of Kunigal assumed charge of the Kunigal Taluk and has been there for the past six months.

3. For the first time on the 7th. May 1919, an Article under the under the heading " Tumkur Notes" above the initialsof " K.R." appeared in the Karnataka complaining that the Magistrate was not observing ordinary etiquette when Lawyers entered his Court and wished him and was holding his courts in the morning, out of court hours. This was referred to me for report by the Revenue Commissioner. A reply was sent to it on the 22nd. May 1919 that - the usual hours of Court, were between 11 A.M. and 5 P.M. and - -

the particular - - -

8

case was taken up on the 3rd May 1919 as previously arranged in the morning, on account of the Taluk Board Election being fixed in the afternoon of that day.

4 Subsequently, another Article appeared on the 9th July 1919 under the heading " A strange Magistrate " above the signature of " K.R. " again, that the Magistrate was recording evidence in English, under cover of Section 355 Criminal Proceedure Code, that he was not recording evidence in full, that he was ready to charge an Advocate for contempt of court, that many a Lawyer had withheld from going to his court. This Article has been followed by the one dated the 27th August 1919. with respect to which, I am now called upon to report.

5- The Article of the 27th August 1919 bears the full signature of the writer and perhaps he is the same person who has written the other two Articles above the initials of "K.R." in the previous two issues of the Karnataka. With respect to the alleged ill-treatment of the Advocates, that appeared before the Kunigal Magistrate's court, I am now called upon to report. Up - till now no Advocate nor any body of Pleaders have represented to me that the Magistrate was treating them, discourteously. The three Advocares, who filed 4 transfer applications, which were disposed of, are Messrs. K.Rangaiengar, H.VenkataRamayya, and C.Lakshmana Rao. The first had appeared before the Amildar Magistrate's court only once on the 3rd May 1919 and it was on that occasion, that his prayer for an adjournment to a date suited to his convenience was refused as the case had already been adjourned in the morning in the absence of the Advocate who appeared in the noon, though the party had been specially informed that the case would be heard in the morning. The complaint that is made against the Magistrate in the 2nd. Article is, that he had drawn up contempt proceedings against the Advocate Mr. C.

9

Lakshmana Rao, and was recording evidence in English and brief-ly and was not ~~recording~~ reading the same after it was taken or when asked by Lawyers to refresh their memory. In this case, there was an application for a transfer. The records in the case showed, that for some disparaging remark with respect to the court, made by the Advocate while conducting the case, the Magistrate drew up contempt proceedings and on the Advocate tendering an apology, the same were dropped.

6 In some transfer applications made to this court by two Advocates- Messrs. K.Rangaiengar and H.Venkata Ramayya, a mention is made that Pleaders refuse to go to the Kunigal Magistrate'scourt to conduct cases. Mr. H.Venkata-Ramayya, has not at any time gone to the court of the Taluk Magistrate of Kunigal and his information if any,must be second-hand and probably heresay. Mr. K.Rangaiengar had gone only once in May 1919 and it was on this occasion his prayer for adjournment of the case, to a date convenient to him was refused. In the case of of Mr. C.Lakshmana Rao, he makes no mention of any ill-treatment in his transfer application except referring to the contempt proceedings, in which he has tendered an apology. It is known that he has since appeared in the same Magistrate's court on many occasions. If there was any ill-treatment on the part of the Amildar Magistrate, a senior Advocate, who is a double graduate, would never have appeared again. No presumption can be made of ill-treatment, simply because the Magistrate drew up contempt proceedings especially when the ~~Magistrate~~ Advocate has tendered an apology. The whole seems to be nothing more than an ordinary affair in which the Advocate made some remarks and the Judge drew up contempt proceedings and dropped immediately, the former expressed his regret. Thus the alleged ill-treatment of the Pleaders ~~counts~~ consists in the Magistrate refusing adjournment to a convenient date to one Advocate, drawing up contempt proceedings against another who expressed -

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regret and apologised and in making a memorandum of the substance of what each witness states and not reading the same to enable Lawyers to refresh their memory when asked for. The allegation that the Magistrate is behaving towards Advocates and ill-treats them, is not borne out by facts nor any incidents are mentioned. On the other hand, it is known that Pleaders and Mukhthars from Tumkur, Kunigal and Magady are appearing before him and conducting cases.

7. It is also stated in the Article that this starnge gentleman (Kunigal Amildar Magistrate) is saying that the District Magistrate is " in his pockets ". I should certainly have believed if it had been alleged that the Magistrate was saying that he did not care for the District Magistrate and would do what he thought best and that the District Magistrate might do what he pleased. One of the charges by those that know the Magistrate is, that he is very reticent, reserve and never speaks except when necessary and laconic, always prone to write than to speak.

8. The cause of all this complaint seems to have had its origin in the Magistrate showing strength of will and refusing adjournments to suit the convenience of Pleadres and adopting the thoroughly legal proceedure laid down in section 355 C.P.C. It is on account of his latter proceedure i.e, making a Memorandum of evidence in summons and in summarily triable cases, some of the Pleaders seem to have been dis-satisfied with him. The Section is <u>imperative</u> and requires that in offences named therein, a memorandum of the substance of the evidence of each witness, <u>shall</u> be made as the examination of the witness proceeds. It is this legal proceedure, in which the record is necessarily brief and the evidence is not taken down verbatim and is not required to be read after recorded adopted by the Magistrate, which is perhaps novel to this district, that seems to have given the greatest offence to some of them. Mainly on

this ground, necessarily adding others, some applications have been put in for transfer of cases. Some of them have been dismissed and some are pending.

9 Mr. H.Srinivasa Rao, whatever may be his defects is a strong, honest, consencious Magistrate but perhaps inelastic and ~~un-yie~~ unyielding and least prone to court cheap popularity. On account of the novel but legal proceedure he has adopted -- and on account of his independent and straightforward spirit , he seems to have incurred the displeasure of some of the Pleaders. After his advent to the taluk, he has infused vigour into the tone of taluk adminjstration and some who exploited on the credulity of the people and traded on their alleged influence have lost their business. I shall not be surprised if orga -- nised and ~~strenuous~~ and persistent attempts are made to secure his transfer from there by spurious agitation. Of late, a tendency is devoloping, that immediately a strong officer makes an honest attempt to do his duty according to his light and conscience, to attemt to terrorise and cow him down by means of newspaper articles, emanating from the same pen but making it appear that they come from different sources, and typed -- anonymous and pseudonymous petitions posted from different - offices got up by the same head. It is not unoften that a a- gistrate is attempted to be discredited by putting in a series of transfer applications in one case by several accused persons, when one application would quite serve the purpose, -- with a view to swell the number. When an officer is known to be just and honest and legal, all complaints of his alleged - unpopularity and highhandedness are nothing but tributes paid to his high sense of duty and independence.

10 So far, I have known of no ill-treatment or discourteous behaviour on the part of the Amildar Magistrate. If any such, or oppressive tendency come to my notice, I shall -

immediately taken action, not only for his removal from the - Taluk but from the department itself.

11. Before concluding my report, I would refer to one more noteworthy point. It is a matter for consideration as to what could be the object of the writer in ventilating individual grievances in public print, when redress could be had by an appeal or revision petition to the Chief Court and when in fact some of the cases in which the Magistrate is alleged to have committed illegalities are probably pending before the Chief Court.

I have the honour to be,

S I R,

Your most obedient servant,

Deputy Commissioner,
Tumkur District.